

Free academics or council servants? Tasmanian University staff before the Murray Report

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While most university scholars accept academic freedom as a basic and essential right, few analyse its contents with precision. According to Robert Bell and Nigel Grant, the very idea of 'academic freedom' is of recent vintage. Does it apply to all university teachers, or is its exercise restricted to the professoriate's relations with the government? Can a junior academic uphold it against a senior? What is the position of mixed bodies, such as university councils or governing authorities, which contain lay and academic members? Is academic freedom an absolute right, or does it depend on economic circumstances?¹

The University of Tasmania, Australia's fourth, is a particularly useful case study, especially in providing answers to the latter questions. From 1893, when three lecturers commenced the teaching of the initial intake of six students, to the Second World War, the University maintained a precarious hand-to-mouth existence in the face of a generally apathetic and sometimes actively hostile local community. In 1903 the University survived an abolition debate in the Tasmanian House of Assembly by the narrow majority of 15 to 13. Nor was this the last occasion when a significant number of local legislators thought the University an expensive luxury in the smallest and most impecunious Australian state. If parliament showed some hesitation in taking the extreme step of annihilating an institution which might prove more useful in the future, it had no compunction about cutting its already miserly grant in the depressed first decades of the 20th century. Reduction of academic salaries was not, of course, peculiar to Tasmania; Melbourne, for example, experienced such a cut in 1893-4.² Until the post-Murray era of Commonwealth funding, Tasmanian University authorities spent much of their time in delegations to state governments for basic finance.

The local Tasmanian community had some reason on its side against the University in its early days. The primary and secondary school systems were far from adequate: primary school fees were exacted till 1908. The University, it was felt, was something advantageous to the

affluent middle classes, who could well afford to send their children to the mainland or overseas for tertiary education. The new Labor party, which became a serious force in the House of Assembly after 1903, was particularly sarcastic about elitist professors engaged to gild a minute local establishment. The radical *Clipper* spoke for many in 1897 when it deplored the granting of another 400 pounds of 'taxpayers' hard-earned money to the ornamental institution known as the University of Tasmania'. However, 'it would be a pity to shut up the show and sack the beautiful professors who ride bikes so gracefully and give the correct Hinglish haw haw accent to our local society tea-parties.' The 'graballs' used 'sickly sentiment' to mask the exploitation by rich children of the 'starving poor'. This attitude was not unique to Tasmania. On its foundation in the 1850s the University of Melbourne was denounced as 'a costly toy'; Queensland Labor politicians, when a university was mooted in the 1890s, objected to institutions which were not for 'the children of men who wear moleskin trousers and blucher boots'.³

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Needless to say, the 'gorgeous professors' and the more threadbare lecturers saw the situation differently. Paid at the rate of 500 pounds per annum, the professors basked in the comparative luxury of three-year contracts while the lecturers on 300 pounds had annual contracts. By the 1870s professors in Melbourne and Adelaide were already receiving over 700 pounds p.a., while Otago paid 600 pounds. In 1909, when the Council was embarrassed by the cost of equipment for a new biology department, lecturers' con-

tracts foreshadowed salary reductions. All but one of the lecturers accepted the situation without demur. The exception, J.H. MacKay, soon to become professor of engineering, refused to consider a salary less than he had endured for six years without increment. The crisis was averted by the timely Ralston bequest which allowed the Council to establish a chair of biology without threatening the pockets of existing staff.⁴ Tasmania received all too few bequests; the graziers and businessmen who laid a firm basis for the University of Melbourne's development were not matched in the island state. The Ralston bequest moreover posed problems: as late as 1936 the vice-chancellor, E. Morris Miller, informed the trustees that it was improper to direct the research of 'their' lecturer.⁵

In the University's first decades it was difficult for academics to assert resoundingly any right to teach and research free from government or community influence. Research itself was barely possible. The early demand that staff travel regularly over a hundred miles to Launceston was regarded as particularly burdensome and inimical to scholarship. Significantly, it was the Ralston trustees who made research obligatory for the biology professor by insisting that the whole of the third term be left free for original investigation. Though his colleagues were forced to research in their own time, T.T. Flynn, the original Ralston professor, complained of overloading. Almost as flamboyant a personality as his film-star son Errol, Professor Flynn in 1920 was saved from dismissal only by his excellent research record.⁶ The trouble arose out of financial embarrassment. When in 1931 the trustees of the Ralston bequest unilaterally reduced their grant, Flynn's chair evaporated and he was forced to take refuge in Queen's University, Belfast.

The self-determination of such professors was limited. Staff had no automatic representation on the ruling University Council. Influential Tasmanians would no doubt have agreed with Melbourne's first chancellor, Sir Redmond Barry, who considered academics totally incapable of governing themselves; few could appreciate the irony that Barry's

own university, Trinity College, Dublin, had been a self-governing corporation of scholars since the 16th century. Tasmanian professors were at least free to nominate for election as representatives of the Senate of graduates. In 1907 a close Council vote decided that while professors could be elected to Council and serve, lecturers so elected must resign their positions before sitting.⁷ While there were always one or two professors on the Tasmanian University Council, several of these, like the long-serving W.H. Williams of Classics, were reactionary in their academic views and sometimes less willing than lay members to support their colleagues.

The composition of the early Tasmanian University Council demonstrates the difficulty of drawing sharp role distinctions. Politics, the law, and the churches were strongly represented. The first full-time academic staff member to become vice-chancellor (still a part-time and virtually unpaid position) was not appointed till 1933. Before then, the position, more active than that of chancellor, to which vice-chancellors normally graduated, was filled by prominent local identities like the judge and electoral reformer, Andrew Inglis Clark, the Congregationalist minister, George Clarke, and the politician, Sir Elliott Lewis. The latter came to the vice-chancellorship after serving as premier and losing his parliamentary seat. Relatively active in his efforts to build up the limited resources of the University, Lewis resigned as vice-chancellor in 1909 to resume the premiership and the perennial task of politely refusing importunate University delegations. In 1912 a 'University Progress Association', organised by the early graduate and future chief justice, Herbert Nicholls, campaigned for increased public support. It succeeded in stimulating an increase of 1,000 pounds in the appointment of new lecturers.⁸

A tiny, struggling institution so dependent on volatile well-wishers provided little scope for the development of a professional mystique. The very existence of the institution was too insecure, opponents were too difficult to distinguish, and the position of individual staff members too precarious for determined action. Could anyone on yearly tenure, at first decided only weeks before the beginning of each academic year, be anything more than a 'servant' of his (there were no full-time women lecturers till 1928) governing body? Even the professors, with three-year contracts and the right to sit on Council, if elected, had little financial independence, as the vicissitudes of Professor T.T. Flynn (once a councillor) demonstrated.

Nevertheless, during the First World War some members of the Tasmanian

University staff spoke out publicly and incurred the wrath of Council. Geoffrey Blainey has shown that the idea of academic free speech was not even suggested in Melbourne till the Marshall Hall furore of the 1890s. Hall's loss of the chair of music in 1900 for 'explosive criticism' plus erotic and anti-Christian poetry, was not reassuring. He was, however, reappointed to the chair in 1914. A Melbourne graduate and Tasmanian lecturer in philosophy and psychology, E. Morris Miller, in 1915 was rebuked by Council for a lack of discretion in remarks taken up by the local press. Later in the same year there was an outcry against an alleged statement by the University's extension lecturer, Herbert Heaton, subsequently an internationally known economist, that there had been atrocities by both sides in the war and that a draw would be the best result. Despite considerable outside pressure and the irritation of ultra-patriots on Council, the latter decided not to interfere with the decision of the University Extension Board which accepted Heaton's explanation that he had been misrepresented.⁹

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A more revealing episode occurred in mid-1918. The trouble centred on an early academic stormy petrel, the lecturer in modern languages, I.M. Raamsdonk had been appointed in 1916 after a ballot amongst Council members. This rough and ready expedient for making an academic appointment is indicative of procedures at the time. Once appointed, Raamsdonk proved a distinct nuisance. He began by demanding the same salary as other staff members. Even when Raamsdonk's salary had been placed on a par with most of his colleagues, his financial affairs were still embarrassed. Council was annoyed at the meeting of creditors he was forced to hold, and the fact that his salary had been assigned on several occasions. Shortly before the end of the war, Raamsdonk publicly expressed his dissatisfaction with the lack of specialised teaching at the University and was rebuked by the Council.¹⁰

On this occasion, a lecturer's indiscretion led to over-reaction by the authorities and forced Tasmanian academics into their first serious protest on a matter of principle. A letter was signed by nine academics, including the foundation professor of Physics and Mathematics, Alex-

ander McAulay, T.T. Flynn, Robert Dunbabin (a conservative classical scholar), Morris Miller, and Douglas Copland, subsequently Australian ambassador to China and vice-chancellor of the Australian National University.

These representative scholars deplored the Council's public criticism of Raamsdonk and failure to hear his defence. More emphatically they rejected the public use of the term 'paid servant' which was 'a misrepresentation of the status of members of the University staff and is strongly objected to by us.'

Members of the staffs of other Universities exercise the fullest freedom in discussing publicly problems of public importance, even if this discussion involves criticism of the policy of their Universities. We consider that the action of the Council in the present instance is an infringement of this recognised right and that any such limitation of the freedom of University leaders is so highly detrimental to the work and influence of the University as to call for the strongest opposition on our part.

The letter demanded the public rehabilitation of Raamsdonk. The Council responded by appointing a committee to confer with the teaching staff. The upshot was a compromise. Members of staff were conceded the theoretical right to discuss University affairs without injuring the University or obstructing the Council or Senate. Consultation with the chancellor or vice-chancellor was to precede controversial publication. The criticism of Raamsdonk was rescinded and the Council undertook to discuss staff wrongdoing in closed committee, not at meetings open to the press.¹⁰

In the existing conditions, the staff had not fared badly in its first major protest. Efforts were now made to open the Council membership to lecturers as well as professors. The Council, apart from some fire-eaters like Major Arthur Morrisby, had in its collective decision acted with some degree of understanding for the staff point of view. Much the same could be said for its action in 1913 in a clash with the Board of Studies over the prescription of Walter Scott's *Ivanhoe* for secondary school use. The Board of Studies contained all teaching staff, plus lay representatives, and before its supersession by the Professorial Board in 1936, was the highest academic authority in the University. Fr T. Kelsh, a Catholic priest on Council, considered *Ivanhoe* unsuitable and, backed by his fellow councillor, the Anglican archdeacon, F.T. Whittington, secured a motion calling on the Board of Studies to find an alternative. When the Board refused to comply, despite Kelsh's continued efforts and Whittington's attempt to raise the whole

question of the Board's constitutional authority, the Council majority preferred to drop the matter. The professorial councillor, W.H. Williams, conspicuous by his subsequent absence from the protest over Raamsdonk, far from supporting the Board of Studies, supported Kelsh's anti-*Ivanhoe* motion. As the first Tasmanian professor to face enforced retirement without superannuation, and thus become dependent on Council charity, Williams was in a weak position to assert academic privileges. The clergy, however, were narrowly rebuffed by lay councillors, not only on *Ivanhoe* but in a 1928 attempt to establish theological studies in what had been declared in the establishing Act of Parliament to be a secular university.¹²

In the 1920s, after the war, Tasmanian academic staff gradually increased their demands on the Council. This happened despite financial cuts and a serious threat in 1924 to the very existence of the University. In 1921 the 1907 prohibition on lecturers holding Council seats was rescinded; by 1926 direct representation of staff on Council was seriously mooted. It was achieved in the new University Act of 1935. In 1922, stimulated by Melbourne, a University of Tasmania staff association was formed. It later affiliated to the Association of University Teachers. The Tasmanian organisation campaigned for better conditions, including a University contribution to a superannuation fund. The academics who had led the Raamsdonk protest, Flynn, Dunbabin, Copland, McAulay and Morris Miller all participated at the outset. Later, however, they split into factions. There was initially a high level of politicisation. The Staff Association endorsed candidates for Council elections and members were expected to support the majority decision. Morris Miller, however, broke ranks. In 1926 he strove to convert his associate professorship to a full chair in psychology, experiencing some opposition from Dunbabin and the latter's supporters. Later in the year Miller stood for Council without Staff Association endorsement. When elected in 1928, Miller worked with tough opponents of academic pretensions, such as the Nationalist MP and law graduate, E.W. Turner. These deplored self help by Council 'servants' and Miller dissociated himself from the Staff Association.¹³

The Professorial Board, still relatively uninfluential, challenged the Council by resisting its demand that Emeritus Professors retain membership of all committees and boards. This would have continued the influence of men like W.H. Williams. The latter, re-elected to Council by the Senate after retirement, used his position against the 1928 Mathematics appointment of Edith Rita Lowenstern, Tasmania's first woman lecturer. According

to the new professor of Mathematics, and Morris Miller's Staff Association rival for Council election, E.J. Pitman, the immediate elimination of the female candidate was proposed by Vice-Chancellor W.J.T. Stops. Despite the additional antagonism of men like Williams and H.D. Erwin (denied Staff Association membership for opposing its nominations to Council), the Council majority upheld the decision of the selection committee in favour of Miss Lowenstern. Selection committees were still dominated by lay councillors, and a staff protest demanding academic representation preceded the appointment of relevant professors on the committees which chose Miss Lowenstern and others. The Staff Association condemned the establishment of a Maths committee without the professor 'as a complete want of confidence in the staff'.¹⁴

Staff conditions improved slowly, despite the attitudes of men like Erwin and the like-minded Nationalist MP, E.W. Turner. Erwin, like Redmond Barry, wished to restrict academics to teaching and research, while general University administration remained the function of independent authorities. He saw the University as a state utility and accused the University Staff Association of Bolshevik tendencies. Turner agreed that Communist influences were at work in the suggestion that academics had the right to control their working conditions and the courses offered. Though the Council in practice tended to follow overseas and mainland precedents rather slavishly in its attempts to establish a credible University in the island state, the exaggerated rhetoric of several councillors in the late 1920s, especially during the hotly contested Council election of 1928, sometimes rejected the hardening academic conventions of Britain or the mainland. Academics were again declared to be 'servants'. A demand for an administrative and curricular enquiry, stimulated by the remarks of a distinguished Tasmanian graduate, John Orr, who had become a professor overseas, was voted down by the Council meeting that accepted Miss Lowenstern.¹⁵

The onset of the Great Depression in the late 1920s rendered these early attempts at academic independence less feasible. The University staff, however, made a brave attempt to salvage some pride from the disaster caused by the Nationalist government's decision to cut the institution's budget by 25 per cent. Accompanied by a resounding rejection of politicians' rights to interfere with the working conditions of scholars, a staff meeting, finding 5 per cent insufficient, eventually offered a 'voluntary' salary reduction of 20 per cent. Sydney academics suffered a mere 10 per cent cut.

As a woman, Miss Lowenstern was under some threat when Council enquired about reducing her position to part-time status. Lowenstern had played a prominent part in the Staff Association, of which she was secretary, 1930-31. She was saved in Council by the supportive statement of her professor, E.J. Pitman. The Depression also saw another attack on academics by E.W. Turner, who claimed that the latter were exploiting their position on Council to avoid their fair share of Depression salary cuts. He also sneered at 'research'. A.B. Taylor, the New Zealand-born Oxford-educated Professor of English, was so incensed that he refused to represent the University on the mainland. The council dissociated itself from Turner's attack, while a strong critical motion against Turner by Vice-Chancellor Stops was voted down.¹⁶

The Staff Association presented a low profile during the Depression. Its members realised the futility of attempting to maintain their salaries in such conditions. Antagonism between the factions of Dunbabin, who remained influential in the Association as president from 1933 to 1941, and Morris Miller, who resigned in 1928, reduced its effectiveness. In 1933 Council elected Dunbabin the University's first academic vice-chancellor. Ill-health, however, forced him to relinquish office after five months. Despite Pitman's attempt to secure the election, as Dunbabin's successor, of the engineering professor, Alan Burn, Morris Miller won a majority and held office till 1945. His influence, despite Dunbabin's continuance as Staff Association president, clearly played a part, alongside Depression defeatism, in converting the Staff Association from a militant political body to a social organisation, concerned mainly with furnishing the common room and obtaining periodicals. In 1937 it was resolved to form a Staff Club, containing all academics, in place of a union, agitating for better conditions. This Staff Club was retained till after the Second World War. As in 1922, it was a mainland drive for joint action on academic salaries and conditions which led to the formation of a new Staff Association in 1948 and its 1949 inclusion in an Australian federation. In 1932 the active and forthright A.B. Taylor, a supporter of the Dunbabin group, also resigned from the Staff Association; he later returned and held office as president in 1944-45 and in the crisis years, 1953-55. Morris Miller challenged the Staff Association's endorsement of candidates, but Taylor approved of political action in general. The former, as vice-chancellor, made Staff Association action appear less important when he secured the abolition of the old Board of Studies, with its considerable lay member-

ship, including Turner, and replaced it with the Professorial Board as the main academic agency.¹⁷

Salaries had not, of course, been forgotten in the 1930s. The victory of Albert Ogilvie's Labor Party, pledged in 1934 to restore salaries and wages, stimulated a meeting of University staff drawing attention to their needs. Dr Frank Gaha, a member of the Council, became a minister in the new Labor Government, while E.W. Turner, a member of the previous Nationalist cost-cutting administration, lost office. The new vice-chancellor, Morris Miller, suffered no diminution of influence as his contacts with Ogilvie were as strong as those with Turner. In its first year, the Ogilvie Government raised the university grant by 25 per cent. The worst was now apparently over, and Tasmanian academic incomes were at last restored. It was not, however, until 1944 that the salaries, last increased in 1921, actually rose again.

'Not till after the Second World War did the academic body really possess the weight and numbers to make a serious claim for autonomy.'

The University nevertheless grew more confident under Labor, which governed continuously till 1969. In 1937, the professor of History, C.S. King, suggested, to Turner's irritation, that some financial help be provided for academics on sabbatical leave. He was allowed 100 pounds, but still had to provide the balance of remuneration for his temporary replacement. Meanwhile, Turner's erstwhile opponent, A.B. Taylor, became embroiled with Catholic church authorities over anti-Catholic remarks in *Togatus*, the student newspaper. As vice-chancellor, Morris Miller, himself criticised for a public statement in 1915, without agreeing with Taylor defended the latter's right to comment. Community attitudes differed from those in Melbourne when Marshall Hall was dismissed; the Tasmanian premier, Albert Ogilvie, had even sought Morris Miller's advice on eliminating the Catholic image of his Labor Party.¹⁸

The honeymoon with the Labor Government, led after 1939 by Robert Cosgrove, wore off as academics focused on their working conditions after the fright of the Depression. On the eve of World War II the institution had only 457 students; the 500 mark was passed in 1945. Sydney University had achieved this milestone by 1900 and Melbourne at

about the same time. Even Otago University had over 600 students in 1914. The basic problem was the 'beggarly' four acre site on the Hobart Domain. Sydney and Melbourne Universities had started with 140 and 104 acres respectively, but Adelaide had initially been contented with five. In Tasmania as early as 1929 the 237-acre rifle range at Sandy Bay had been earmarked as a possible location.¹⁹ Twenty years later it was still under discussion, while staff and students endured conditions which the Murray Report of 1957 agreed were intolerable. The effect on academic morale was disastrous as authorities wrangled and prevaricated.

World War II allowed E.W. Turner another tilt at the academics when he declared that the emphasis should be 'win the war, not a degree'. However, it soon became clear that winning the war, far from necessitating retrenchment, stimulated an extension of academic activity in areas such as engineering and science; Professor Leicester McAulay, for example, gained considerable renown for his institute of military optics. Staff enlisting were given current sabbatical leave conditions: substitutes had to be provided from war and University earnings. Professor A.B. Taylor, however, objected to the Government's grant of reserve category to certain faculties, thus making the institution 'simply a training school for specialists'. As the war neared its end reconstruction programmes foreshadowed considerable federal funding, and a vital increase in basic academic requirements.²⁰ The new age was symbolised by the death of E.W. Turner and the establishment of the Commonwealth Reconstruction Training Scheme in 1943. Two years later Turner's protégé, Morris Miller, handed over the vice-chancellorship to his old rival Burn, but remained professor of psychology till 1951. University Councillors sharing Turner's opinions were still abundant.

The end of the war almost coincided with the appointment as chancellor in 1944 of the Chief Justice, Sir John Morris. Morris was a vigorous, if authoritarian, personality who worked hard for the establishment of a worthy university, despite a traditional irritation with the pretensions of academics to govern themselves. When Morris, strongly opposed by Catholic archbishops and, incongruously, by professors like Taylor, insisted that universities were responsible for the intellectual, not moral, development of their students, he seemed closer to modern opinion than his antagonists.²¹ But his forthright insistence that the Professorial Board moderate a resolution deemed disrespectful and paste the revision over the minutes, is cited as a classic of arbitrary action. Meanwhile, new staff

were appointed, an overdue Faculty of Education was established, and in 1949 Toriliev Hytten, a former professor of Economics, became the first full-time vice-chancellor. Melbourne had established such an office in 1934. The University of Tasmania's contribution to staff superannuation (first paid at 5 per cent in 1943) was raised to 10 per cent in 1947-8. According to the 1955 Royal Commission on the University of Tasmania (p.22), the institution had 'reached university status' only since Morris's appointment. An academic critic of the Council, J.B. Polya, argued that it was unfortunate that an entirely new university, dissociated from the ineffectual past, was not founded at this time.²² This may be overstating the case as many of Tasmania's teething-troubles were paralleled by similar institutions elsewhere.

Past conflicts were certainly intensified, not allayed, by post-war progress. A 'revolution of rising expectations' can be detected. In 1948, conflict between Council and Professorial Board, brewing for some time over matriculation standards, finally erupted. For some years there had been a belief in the teaching profession, well represented on the Council, that the University's hold on the secondary education was too academic and rigid, making no allowance for modern theories of child development. Council finally voted to relax the matriculation requirements of mathematics and a foreign language. The issue was not referred back to an angry Professorial Board which, quoting authorities such as R.M. Hutchins and 'Bruce Truscott', complained of the violation of *a fundamental principle of university government, namely that the governing body (in this case the Council), should in all cases in which it is not in accord with the resolutions of the Board on academic questions, refer these questions back to the Board itself for a full statement of its reasons for its recommendations, and further that, except in most exceptional circumstances, and under full consideration, the Council should not reject such recommendations of the Board.*

Chancellor Morris, who had played a strong role in this issue, moved that the Board's protest be received without comment. While the Board fumed and endeavoured to retrieve the position without open conflict, Councillor C.R. Baker pressed on the attack with motions attributing the high University failure rate to the inability of lecturers to keep rolls and thus enforce compulsory attendance.²³

The matriculation imbroglio is regarded as the beginning of a new phase of tension between Council and academics which culminated in the Royal Com-

mission of 1955 and the ensuing Orr case. Serious issues proliferated in the early 1950s. Salaries, now well below mainland standards, were a major cause of strife, but abominable working conditions, inadequate opportunities for research and sabbatical leave were equally important. The campus was now spread out on three main sites, science laboratories were positively dangerous, and the string of temporary buildings on the new Sandy Bay site were described as a 'collection of mud huts in a paddock'. Academic morale was low. It was rumoured that Council incompetence had prevented the University from obtaining its share of Commonwealth reconstruction money. It was also believed that the State Government was deliberately crying poverty and maintaining the University buildings in as dilapidated a condition as possible to wring extra money from Federal coffers.²⁴

There was, moreover, a Tasmanian school of thought, represented by councillors like the lawyer H.J. Solomon, wary of large modern universities. Solomon, president of the Tasmanian Liberal Party, considered that money should have been spent on buildings, not increasing staff numbers.²⁵ As prize-winners, distinguished graduates, and occasional part-time lecturers in law or commerce, such councillors may have had a vested interest in the old mini-university and thus bitterly resented the attempts of pushy mainland or overseas academics to wrest control from them.

In mid-1954, after Premier Cosgrove, responding to complaints from local master builders, had decided to scrap the current plan for buildings on the new university site, staff and student anger mounted. The staff association was active and demanded a wages board; Alfred White, the chief secretary, offered arbitration, like that of the teachers, as a compromise to A.B. Taylor, the Association president. Arbitration without delay was accepted at a special Association meeting on 13 October. The meeting also demanded a resumption of building and received support on staff salaries from students. A week later, the Association passed resolutions moved by its secretary, historian Malcolm McRae, supporting student denunciation of university conditions, repudiating the divided campus and demanding immediate building. Two staff publicity committees were established to publicise the academics' case under J.A. Cardno, a Cambridge-educated psychologist, and J.B. Polya, a Hungarian chemist with a flair for controversy. Then, into the limelight stepped Professor S.S. Orr, a pugnacious Ulsterman, recently appointed to the new chair of Philosophy. Orr had been active in the Staff Association, but held no official

position. His motion on 20 October that a vice-chancellor's circular requiring detailed academic information be refused was rejected by the Association. Orr, to the irritation of many colleagues, took the initiative in publicly demanding a royal commission, followed by an impassioned open letter to the premier in the daily *Mercury*. He attacked head-on the Solomon small-university notion and roundly accused the Council of having 'nothing but contempt for the opinion of the Professorial Board on academic matters'. A cooler and more succinct statement of the staff case by Polya in the *Launceston Examiner* attracted little attention, but Orr's manifesto, supported by the signatures of about half the staff, but few other professors, gained its object. The parliamentary opposition, seizing on the issue in the lead-up to a state election, succeeded, with the assistance of an independent, in defeating the Labor Government and forcing it to appoint a Royal Commission on the University.²⁶

'Professors were cross-examined like criminals . . .'

The Commission, headed by a retired Western Australian judge, J.L. Walker, and two academics, J.S. Turner (Melbourne) and A.D. Trendall (ANU), began its investigation in February 1955 and reported in May. The Commission's proceedings comprised a bitter legal battle between the Council and Professorial Board, each represented by its own counsel. Professors were cross-examined like criminals, and an attempt was made to suggest that Orr was guilty of plagiarism in his lectures.

The Commission's report generally accepted the staff case, though it acquitted the Council of sinister designs. It quoted Chancellor Morris's vivid 1944 description of 'the dingiest and most repellent conditions . . . Lecture rooms calculated to discourage anyone but a moron. The overflow of the library in passages, dark and gloomy stairways, and attics. Totally inadequate laboratory accommodation, buildings huddled together and everywhere an atmosphere of chill penury.' This, declared the Commission, was still true in 1955. Though the State Government was paying more per capita for its university than most other states, the Royal Commission was not convinced that it could not have used loan money to establish buildings on an adequate site. As for University governance, the Walker Report demanded a more broadly based Council, and a division between academic and non-academic matters, the former re-

quiring special discussion before a decision. It also recommended salary parity with comparable states and, thanks to the energetic lobbying of the botanist, Dr Winifred Curtis, an end to the recently imposed salary discrimination between men and women.²⁷

The Professorial Board, despite the Commission's criticism of the older apathetic professors, accepted the Report in its entirety and demanded immediate implementation. The State Government and Council were less happy. The Labor Party had published a summary of its Government's contribution to the University since taking office in 1934. Cosgrove and his deputy, Roy Fagan, a former student union president, who then campaigned for the indefinite postponement of exams, regarded the distasteful episode of the Royal Commission as an act of base academic ingratitude. So too did Chancellor Morris, whose paternalist interference in University government had been criticised by the Commission. Hytten, rebuked for weak administration, despite very considerable success as a fund-raiser, was hardly mollified by Polya's unsuccessful Professorial Board motion that a successor to the discredited vice-chancellor be now appointed.²⁸

Fagan let the Council know that the Commission Report was not necessarily to be implemented to the letter. To the annoyance of the Board, the establishment of a new broad-based Council was staggered, thus leaving the old guard in control. The Board adopted the expedient of appealing over the Council's head to the government to widen the definition of the University to include both staff and students. Though this was eventually achieved, the Council was furious at the Board's behaviour. The latter deplored 'the refusal of Council to implement the recommendations of the Royal Commission with regard to the reconstitution of the Staff and Establishment Committee, the award of scholarships and prizes, and the appointment of examiners.'²⁹

Relations between Board and Council had rarely been so bitter. At the first meeting of the partially reconstituted Council in December 1955, Hytten, as vice-chancellor, brought charges against the man believed to be the chief instigator of the Royal Commission, Professor Orr. The charges, relating to academic disputes and complaints of professorial exploitation from a male student, were virtually dismissed by the chancellor, though an investigation was ordered. However, in the new year these were reinforced by another, female, student, who, encouraged by her father, charged Orr with seduction. After some internal investigation of the charges according to procedures unac-

ceptable to Orr's legal adviser, the professor's resignation offer was rejected by Council at its meeting on 2 March 1956 and he was summarily dismissed at the next meeting on 23 March. This began, not ended, the Orr case which dragged on till the University paid the former professor a compensatory lump sum shortly before his death in 1966. It saw the chair of Philosophy blacklisted by the academic community and the University under the rebuke of the Federal Association of University Staff Associations.³⁰

Ironically, the summary dismissal of a professor so active in the controversy leading to the Royal Commission raised not a ripple at the Professorial Board which had recently complained bitterly of the Council's creation of an instant chair for one of Orr's academic opponents. This was due partly to Orr's strategy of suing the University for wrongful dismissal, not standing on any abstract right of academic freedom. He categorically denied the seduction charge, and the propriety of sacking an academic for an affair with a student was only incidentally raised. Many of Orr's supporters accepted that a proven liaison with a student justified removal. However, the veteran Morris Miller, giving evidence in court for Orr, accepted staff-student affairs as an unfortunate, but unaccountable, example of love's vagaries.

When Mr Justice R.K. Green, a former counsel for the University, finally decided against Orr, the judgement accepted only the seduction charge as justification for dismissal. It implicitly confirmed the long contested assertion that an academic was a 'servant' of the Council. Not till church and mainland academic pressure in the late 1950s revived the Orr case was the essential principle pinpointed. Resolution came in 1966 with the introduction of an elaborate system of safeguards and due process for dismissing academics guilty of gross misbehaviour.³¹ The machinery was tested in the 1980s; a lecturer, charged with an administrative error, survived to obtain, like Dreyfus, his eventual promotion.

The Orr case has become such a cause célèbre, giving the University of Tasmania a most unenviable international notoriety, that it is essential to obtain a broad perspective. Though the case for an anti-Orr conspiracy, passionately argued in Eddy's massive, unwieldy and unashamedly partisan tome on the subject is strong, the precise academic precedents are not always obvious. A motion by historian George Wilson to establish that the Orr case involved 'wider issues than those affecting the plaintiff alone — namely the nature and status of the employment of University teachers' was voted down by the Staff Association. The

latter was eventually compelled to take the issue seriously by forthright mainland reaction.³²

The apparent apathy of local University staff may be partly explained by Orr's abrasive personality and numerous enemies. He was not an impeccable martyr for academic freedom, but a brave though fallible individual who became an apparently easy target for retribution. Academically, the importance of the case lies not in whether he seduced his student, but in the ad hoc committee investigation which accepted the student's word against his. Significantly, a jury in 1948 had exonerated Premier Cosgrove because his accuser in a conspiracy charge was uncorroborated. By finally establishing a cast-iron system of due process for investigating academic misconduct, the Council ultimately relinquished its claim that academics were mere 'servants' liable to summary dismissal. This was achieved only after a very bitter and protracted struggle by the Council which for several years refused all pleas to reinvestigate the case. In perspective the Council seems to have been goaded by irritation over the Royal Commission into ignoring precedents established as early as the Raamsdonk case. It is significant that Morris Miller, one of the first Tasmanian academics rebuked by Council for a public statement, supported both Raamsdonk and Orr. The charges against Orr were revealed as a result of the vindictive refusal of his resignation. In the past, staff members charged with publicly disreputable conduct had been given the option of resigning or facing resignation. They chose the former. In the new tenure rules, the resignation option was built into the system.

While the Orr case occupied the centre of the Tasmanian academic stage, two other potentially significant issues were resolved fortuitously. Orr's fellow critic, Polya, who had already experienced difficulties with the establishment before obtaining promotion to associate professor, published, shortly after the report of the Royal Commission, a trenchant exposé of the university crisis and a plea for academic freedom. The premier, Cosgrove, demanded Council action. The issue was debated, and Polya was irregularly induced to submit an explanation, but a professorial councillor eventually moved to proceed with other business. Polya survived to write subsequent criticism and experience new promotional difficulties.³³ He had succeeded in broadening the latitude secured by men like Raamsdonk and Taylor in previous years. Taylor himself resigned for health reasons soon after a grilling from Council lawyers at the 1955 Royal Commission.

Another important precedent was established in 1959 when an eminent historian, George Rude, recommended by a selection committee for a lectureship, was rejected by the Tasmanian Council on political grounds. The Professorial Board affirmed the principle that 'any political belief or affiliation which the law tolerates should not in itself be made an automatic disqualification for academic employment'. This mild resolution was accompanied by a referral back to the selection committee, which again backed Rude. The affair concluded, like the similar case in Don Aitken's 1977 novel, *The Second Chair*, by Rude's acceptance of another position. In 1961 the radical politics of Russel Ward, another prominent historian, denied him promotion at the University of New South Wales.³⁴

1959, year of the Rude Case and the Federal Council of Staff Association's preoccupation with Orr, witnessed a vital breakthrough in academic finance with the establishment of federal triennial funding. Tasmanian salaries were brought in-line with those of the mainland and the University was soon completely transferred to the Sandy Bay site. Though antagonism between town and gown certainly did not cease, they operated under different conditions. Academics had less need to go cap in hand to state politicians, closely linked with lay councillors, for their basic necessities. Negotiations were collectively undertaken with Canberra.

The question, initially posed, was whether 'academic freedom', a tricky concept, which seems basically to imply scholarly self-government and absolute freedom of expression, could be feasible in a tiny, struggling institution. In the first 30 years of the University of Tasmania, when 'even the minutest details were handled by a Board of Studies on which the teaching staff were in a minority'³⁵, academic self-government was out of the question. Not till after the Second World War did the academic body really possess the weight and numbers to make a serious claim for autonomy. Ironically, it was the very success of Sir John Morris as chancellor, when he increased the numbers of good staff with overseas experience, that made a clash with the local establishment almost inevitable. Councillors who had grown up with the institution as prize-winners, graduates and part-time or temporary lecturers, bitterly resented the pretensions of the Orrs, Cardnos, and Polyas. Hence the popularity of the 'small' university idea. In the early days politicians like Sir Elliott Lewis worked with some enthusiasm for his alma mater as vice-chancellor between premierships. By 1960 a student body of over 1,000, about to increase nearly five-fold in two more decades, required more specialised and professional officers.

As for freedom of expression, early dissidents like Raamsdonk, concerned with the inadequacy of their salaries, had been unable to press their views far. Lack of superannuation was also an inhibiting factor which may have induced men such as W.H. Williams to side with lay councillors, even on issues apparently involving academic progress. Sometimes, it must be admitted, lay councillors were closer to modern scholarly attitudes than the academics of the day. The career of Morris Miller, defender of Raamsdonk and Orr, but also an associate of E.W. Turner, that arch-critic of academic autonomy, forbids glib generalisation. In the absence of substantial land endowments or benefactions without strings, some physical separation between academics and the politicians who vote their money is required to make academic freedom a reality. Over-close relations, symbolised by the early *ex officio* status of the Minister for Education as a councillor and his authorisation for certain academic promotions, made genuine freedom unlikely. It was appropriate that the Orr case was preceded by a staff salary crisis.

Before the 1960s modern issues concerning hierarchies within the academic structure were less noticeable. Orr's authoritarian treatment of his sole lecturer was part of the case against him, but departments were too small to allow much professional stratification. Today, as Anthony Arblaster³⁶ has argued, academic freedom is as much in danger from academic administrators as from governments or outsiders. The Tasmanian experience before 1960 is at least a warning that 'academic freedom' is valueless as a mere assertion and always requires specific regulations and procedures to make it a reality. Insofar as the tribulations of Tasmanian academics helped to prompt the establishment of the 1957 Murray Commission, they were not in vain.

References

UTSA = Minutes of the University of Tasmania Staff Association (various names since First Staff Association in 1922, but continuous minute books held by UTSA).

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4. C IV, 65 (12/8/1909), 73 (23/9/1909), 126 (27/9/1910). For comparative rates, see Blainey, p. 11 (Melbourne foundation professors received 1000 pounds p.a. for life); W.G.K. Duncan and R.A. Leonard, *The University of Adelaide, 1874-1974*, Adelaide (Rigby), 1973, p. 5 (lecturers received only 250 pounds); Morrell, p. 47.

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7. C III, 311 (19/4/1907). For Barry, see Blainey, p. 62. See also Sir Robert Stout, chancellor of the University of New Zealand in 1911 as equally hostile to academic self-government, Morrell, p. 110. Morrell also demonstrates (pp. 13-14) that the Scottish Universities Act of 1858 reduced traditional professorial predominance. For the 1592 Charter of Trinity College, Dublin, empowering the Provost and Fellows to legislate for the government of their institution, see C. Maxwell, *A History of Trinity College, Dublin, 1591-1892*, Dublin (The University Press), 1946, p. 5.

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10. C V, 201 (16/7/1918); M 15/7/1918).

11. C V, 203 (25/6/1918), 205-6 (13/8/1918).

12. M 23/7/1913; C IV, 287 (16/9/1913), etc.; C VII 66-7 (15/5/28). A retiring age of 65 was introduced in 1920 for professors, despite unlimited tenure in Sydney and Melbourne. Williams was allowed to continue to 70 in 1922, and his position was extended for an additional year. See C V, 323 (16/7/20) and VI, 23 (16/5/22).

13. Roe, p. 298.

14. PB I, 69 (15/9/1926) emeritus professors; C VII, 107-9 (18/9/1928) staff on selection committees. UTSA 21/9/28. Interview with Professor Pitman, 1985.

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24. In the early 1900s the Universities of Melbourne and Otago had experienced similar impecunious decay. See Blainey, pp. 120-1 and Morrell, p. 86.

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27. RC pp. 5, 11-12, 16, 34, and 48.

28. PB 1955-57, pp. 18 and 31; RC pp. 22 and 24.

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30. For details see Eddy, *Orr*, passim. A useful summary of the issues is provided by *Vestes*, 1, 5, December 1958, pp. 5-9. A useful list of publications on the Orr case is given in E.L. Wheelwright, ed., *Higher Education in Australia*, Sydney (FAUSA), 1965, pp. 382-83.

31. C XIX, 181 (11/3/1966). Significantly, the lifting of the FAUSA censure on the University was announced at the same meeting.

32. For Wilson, see UTSA 21/6/56.

33. See Polya, 'The State and the University'; C XV, 83 and 100. Polya was subsequently denied a chair in Organic Chemistry, despite high commendation from outside assessors.

34. PB 1959-61, 25 (5/8/1959). For Russel Ward, see *Vestes*, March 1961, pp. 51-68.

35. PB 1952-55, 224 (16/2/1955): submission to Royal Commission.

36. A. Arblaster, *Academic Freedom*, Harmondsworth, 1974, p. 132. Even an Orr supporter like J.B. Polya considered that Orr treated his lecturer as a 'servant'. Comment on early draft of above paper.

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